



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,721	11/25/2003	Martin Kappes	503042-A-01-US (Kappes)	5762
47702 7590 04/01/2009 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824				
EXAMINER BIAGINI CHRISTOPHER D				
ART UNIT		PAPER NUMBER		
2442				
MAIL DATE		DELIVERY MODE		
04/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10721721	11/25/2003	KAPPES ET AL.	503042-A-01-US

(Kappes)

RYAN, MASON & LEWIS, LLP
1300 POST ROAD
SUITE 205
FAIRFIELD, CT 06824

EXAMINER

Christopher Biagini

ART UNIT	PAPER
2442	20090327

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Pre-Appeal Brief Request for Review is improper and a conference will not be held (see attached).

Furthermore, the proposed amendment has not been entered. First, no proposed amendments may be filed with a Pre-Appeal Brief Request for Review. Second, the amendment does not comply with 37 CFR 1.121. Claim 9 is labeled "Previously Presented," but a comparison between this amendment and the last entered version of the claims (filed August 7, 2008) shows that the language is different. Third, claim 9 as now presented raises new issues that require further search and consideration.

Note that the period for response to this letter runs from the filing date of the Notice of Appeal.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442